IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 840 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10/09/2004 in WP No. 2598 OF 1998 on the file of the High Court.)

Between:

The Superintending Engineer, Administration & Material Management, V.T.P.S., Chairman, V.T.P.S., Canteen, A.P.S.E.B.(NOW APGENCO) Ibrahimpatnam, Krishna District.

..... APPELLANT

AND

1 Pijjuri Srinivasa Rao, S/o.Koteswara Rao, Near VTPS, Kothagate C/o.Naga villas Hotel, Ibrahimpatnam, Krishna District.
2 The Presiding officer, Labour court, Guntur.

.....RESPONDENTS

Counsel for the Appellant: SMT.URMILA

Counsel for the Respondent No.1 : MR.G.V.SHIVAJI

Counsel for the Respondent No.2 : GP for Labour

The Court made the following :

JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

The appellant filed the writ appeal against the order dated 10.09.2004 in W.P.No.2598 of 1998 passed by the learned Single Judge of this Court.

Factual background forming foundation of the subject matter of appeal is as follows:

The 1st respondent-workman was engaged by the appellant-management as canteen employee in Vijayawada Thermal Power Station, which is maintained by the Andhra Pradesh State Electricity Board. He worked under the appellant-management from 1981 to 13.6.1990 without any interruption. On 14.6.1990 he was orally informed by the appellant-management with regard to the termination of his service.

The petitioner-management controverted the allegations made in the writ petition and contended that the 1st respondent was absent from 29.7.90, without prior permission. Further more, certain canteen employees filed W.P.No.12386 of 1990 before this Court for regularization of their services and the same was allowed. But the 1st respondent was not a party to the said writ petition. Subsequently, the 1st respondent raised a dispute before the Assistant Commissioner of Labour, Vijayawada and the said dispute was closed with a direction to the 1st respondent to submit a representation to the Chief Engineer,VTPS, Vijayawada for consideration of his case. But without filing any such representation, the 1st respondent raised I.D.No.87 of 1992 before the Labour Court, Guntur. The Labour Court passed an award directing the appellant-management for reinstatement of the respondent-petitioner into service with continuity of service but without back wages.

The learned single Judge having gone through the entire material available on record held that the workman abandoned his services and the appellant–management has not taken any disciplinary action. He further observed that the respondent-workman has completed more than 240 days of service, which was

not in dispute, the appellant-management failed to comply with the provisions of Section 25-F of the Industrial Disputes Act and dismissed the writ petition.

Heard the learned counsel on either side.

Contextual facts depict that the 1st respondent had worked more than 240 days (from 1981 to 13.6.1990) without interruption of service. If the respondent abandoned his services, it is for the appellant management to initiate disciplinary action against him. But, it is apparent on the face of the record that the management did not follow the procedure prescribed under Section 25-F of the Industrial Disputes Act while terminating the 1st respondent. In that view of the matter, the learned Single Judge has rightly dismissed the writ petition.

Above being the position, the judgment of learned single Judge does not suffer from any infirmity to warrant interference.

In the result, the appeal fails and is accordingly dismissed. No costs.

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T. Meena Kumari, J

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P. Lakshmana Reddy, J

16.06.2005

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To

1. The Superintending Engineer, Administration & Material Management,
V.T.P.S., Chairman, V.T.P.S., Canteen, A.P.S.E.B.(NOW APGENCO),
Ibrahimpatnam, Krishna District.

2. The Presiding officer, Labour court, Guntur.

3. Two CCs to GP for Labour, High Court of A.P., Hyderabad.

4. Two CD copies.